

# Attachment 5

*Hadix, et al. v. Caruso, et al.*  
Joint Status Report  
Order, November 18, 1996, Dkt. 823

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN

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CLERK OF COURT  
U.S. DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
LANSING, MI 48201-4000

EVERETT HADIX;  
RICHARD MAPES;  
PATRICK C. SOMMERVILLE;  
ROOSEVELT HUDSON, JR.;  
BRENT E. KOSTER;  
LEE D. McDONALD;  
DARRYL STURGES;  
ROBERT FLEMSTER;  
WILLIAM LOVETT;  
JAMES COVINGTON;  
FRANK THOMAS;  
JAMES HADDIX;  
JAMES ALEXANDER;  
AL BUTTONS;  
JAMES CHIPMAN;  
PERRY ALAN DAVIS;  
MICHAEL ANTHONY GRAY;  
MARK LEMOTHE;  
CYLESTER NUNNALLY;  
TED RHODE;  
ORVEL SIMMONS;  
TED SULLIVAN;  
and  
MARK A. COLEMAN;

Plaintiffs,

v

PERRY M. JOHNSON;  
BARRY MINTZES;  
CHARLES ANDERSON;  
WILLIAM F. GRANT;  
DALE FOLTZ;  
DANIEL TRUDELL;  
DUANE SHOLES;  
JOHN JABE;  
JAMES POGATS;  
ROY RIDER;

File No. 4:92:CV:110

HON. RICHARD ALAN ENSLEN

PLRA /  
MedialHealth

terminates  
Some provisions

doesn't reach  
const. of PLRA

renovated  
trial p. 36

amends disab-plan p. 36

11-18-96

823

CHARLES USTESS;  
DON P. LEDUC;  
ROBERT BROWN, JR.;  
GRAHAM ALLEN;  
ELTON I. SCOTT;  
PAM WITHROW;  
FRANK ELO;  
MARJORIE VAN OCHTEN;  
and  
JOHN PRELESNIK;

Defendants.

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**ORDER**

In accordance with the Opinion issued this date;

**IT IS HEREBY ORDERED** that defendants' motion for immediate termination of the Consent Decree is reduced to the issues of whether a consent decree is a final judgment, which is currently before the Sixth Circuit Court of Appeals, and, in some cases, whether prospective relief is tailored as required by the PLRA;

**IT IS FURTHER ORDERED** that the Court finds the following sections of the Consent Decree to be appropriate for termination:

- II.A.1 Medical Care General Provision
- II.A.2 Complete New Hospital
- II.A.2 Interim Hospital Conditions
- II.A.3.a Intake Physical
- II.A.3.a Intake Dental Screening
- II.A.3.c Epidemic Contagions Plan
- II.A.4.b Interference with Health Care
- II.A.4.c Prompt Care, DWH Transfers
- II.A.4.d Emergency Medical Procedure
- II.A.5.b Uncredentialed Staff
- II.A.5.c Interim Medical/Dental Staffing
- II.A.5.d Staffing Amendments
- II.A.5.e Medical Staff (health care)
- II.A.5.g No inmate direct patient care
- II.A.5.h Use of Students and Interns
- II.A.8.a Health Care Staff Training

II.A.8.b Emergency Response Training  
II.A.9 Therapeutic Diets  
II.A.10 Pharmaceutical Services  
II.A.10 Medication Delivery by COs

**IT IS FURTHER ORDERED** that the Court finds constitutional violations with respect to the following areas:

II.A.3.b Transfer Medical Evaluation  
II.A.4.a Sick Call Access Plan  
II.A.5.a Professional Staff  
II.A.7 Chronic Disease Plan  
II.A.11 Problem Oriented Medical Record  
Health Related Disabilities

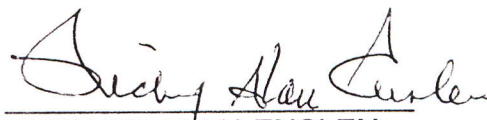
**IT IS FURTHER ORDERED** that the Court finds noncompliance with the Consent Decree, but no constitutional violation, with respect to the following provisions:

II.A.5.f Hospital Staffing Plan  
II.A.6 Prostheses

**IT IS FURTHER ORDERED** that this Court will reserve final determination of defendants' motion until such time as the Sixth Circuit Court of Appeals has issued its ruling on the issue.

Dated in Kalamazoo, MI:

*Nov 18, 1996*

  
RICHARD ALAN ENSLEN  
Chief Judge